UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,703	01/02/2004	Arjun Chandrasekar Iyer	SBL0011C1US	3820

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EXAMINER
HARPER, ELIYAH STONE

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/750,703*	CHANDRASEKAR IYER ET AL.
	Examiner	**Art Unit**	
	LEON HARPER	2166	

*--The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>05 March 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    <u>See continuation sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166

The new issues is/are " in response to the receiving the first table and the second table and the result depends on the querying the first table and the querying the second table"

In response to applicant's arguments examiner submits that Applicant's arguments are not persuasive, in response to applicant argument that Applicants submit that Koo fails to teach or suggest, among other limitations, (1) querying a first and second table from generated SQL statements to produce first and second result sets; and (2) joining the first and second result sets to produce a third result and Applicants submit that Koo's method begins with an original query and finishes by generating a rewritten query. Generating the rewritten query is Koo's end result; Koo is not executing either the original query or the rewritten query. By contrast, the claimed method begins by receiving two tables, generating SQL statements, querying the two tables to produce two result sets, and finally executing a join operation on the two result sets to produce a third result set. Thus, as an initial matter, Applicants submit that Koo's method is complete before any queries are executed, whereas the claimed method begins by receiving tables and executing queries. In other words, the domains in which Koo's method and the claimed method are relevant do not overlap. Examiner responds that Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case while Koo does start with one query and finish with another query is important to remember that Koo is an optimizing tool, therefore the entire Koo method takes place in the content of running a query (See Koo abstract stating that Koo is a method for optimizing a query being executed.)

In response to applicant's argument that In addition to citing the earlier-presented example in Koo, the Office Action cites to a section of Koo that presents different kinds of joins that can be analyzed and rewritten as purported disclosure of the claimed querying a table to produce a result set, where the query uses a set of generated SQL statements. See, Office Action, pp. 3 and 4 (citing Koo 7:10-35). Applicants submit that this section merely details which types of joins can be analyzed using Koo's method. This section of Koo is not an alternative of the above-cited example. Instead, this section presents the details of how the underlying principles of Koo's method, described earlier, operate. Thus, a mere listing of types of joins that can be analyzed by Koo's method in no way teaches or suggests any additional feature, and so is incapable of showing, teaching or suggesting the claimed production of a result set by querying a table with a set of generated SQL statements, by definition.

In addition to the above sections of Koo, the Office Action cites to an example within the "Column Equivalents Predicates" section as purported disclosure of the claimed joining of result sets (result sets produced by performing generated SQL statements on first and second tables). See, Office Action, p. 4 (citing Koo 6:40-50). Applicants submit that this section also merely provides the manner in which the earlier- described analysis is performed (these cited sections are within a "Fundamentals" section). This section of Koo does not present an alternative to the earlier-cited example. Instead, this section simply presents aspects of the logical predicates that are used in certain steps of Koo's analysis of the original query, as described earlier. Thus, this section does not describe any sort of alternative to the previously cited section, and so is incapable of showing, teaching, or suggesting any method or aspect different than that already disclosed in Koo. Thus, Koo fails to teach or suggest the claimed joining of first and second result sets in producing a third result set, and in fact, is incapable of so doing. Examiner responds that Examiner responds that Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case while Koo does start with one query and finish with another query is important to remember that Koo is an optimizing tool, therefore the entire Koo method takes place in the content of running a query (See Koo abstract stating that Koo is a method for optimizing a query being executed.)